



The Energy and Technology Committee

Public Hearing, March 10, 2016

Office of Consumer Counsel

Elin Swanson Katz, Consumer Counsel

Testimony of Elin Swanson Katz

Raised Bill No. 5496, *An Act Concerning Biomass Facilities*

The Office of Consumer Counsel (OCC) has carefully reviewed Raised Bill No.5496, *An Act Concerning Biomass Facilities*, and supports the bill. It is OCC's recollection and understanding that the contract for the biomass facility being referenced, Plainfield Renewable Energy ("PRE"), included a limit on the use of sustainable biomass fuel as part of a strategic effort to maximize the biomass megawatt development in the State. The hope at the time was that the State, through sharing of the limited amount of sustainable biomass, could achieve development of 90 megawatts ("MW") of biomass units, approximately 30 MW of which would be at PRE and 30 MW at each of two other facilities. OCC was supportive of the development of all three units and supported the strategy. However, the other two units did not materialize, and as far as OCC is aware, are no longer under development. OCC therefore would support review of the sustainable biomass limitation in PRE's contract by the Public Utilities Regulatory Authority ("PURA") to determine whether it still makes sense from an economic or environmental perspective. OCC of course reserves the right to take any position in such PURA proceeding.

OCC notes that it does not understand the need for the last sentence of the bill, which states that "[n]o such electricity purchase agreement shall be cancelled or deemed in noncompliance by an electric distribution company until such modification

is approved.” PRE has the responsibility to comply with its current contract unless and until it is modified. Any consequences for breach and the rights of the parties are expressed in the current contract, which contractual provisions the legislature should not alter.